

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #11	CCRB Case #: 201806968	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/27/2018 3:00 AM	Location of Incident: 2339 7th Avenue, Apt. 5J	Precinct: 32	18 Mo. SOL 1/27/2020	EO SOL 1/27/2020	
Date/Time CV Reported Thu, 08/23/2018 12:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/23/2018 12:08 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Whitney Martin	02930	947216	032 PCT
2. Officers			Unknown
3. POM Muhitul Ambia	00786	946744	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT David Lamarre	03547	947929	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b) in Manhattan.	
B. Officers	Abuse: Officers searched § 87(2)(b) in Manhattan.	
C. POM Muhitul Ambia	Abuse: Police Officer Muhitul Ambia interfered with § 87(2)(b) use of a recording device.	
D. POM Muhitul Ambia	Abuse: Police Officer Muhitul Ambia interfered with § 87(2)(b) use of a recording device.	
E. POM Muhitul Ambia	Abuse: Police Officer Muhitul Ambia deleted information on § 87(2)(b)'s electronic device.	
F. POM Whitney Martin	Discourtesy: Police Officer Whitney Martin spoke discourteously to § 87(2)(b)	

Case Summary

On July 27, 2018, at approximately 3:00am, § 87(2)(b) apartment door was knocked down by officers. Three officers dressed in body armor, with one officer carrying a shield, entered the apartment (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). One officer moved rapidly towards § 87(2)(b) who was standing between ten and fifteen feet away from the door. This officer pushed § 87(2)(b) against the wall, wrapped his arms around § 87(2)(b) shoulders or upper body, and physically removed him from the apartment. Once he was outside of the apartment, § 87(2)(b) was placed in handcuffs by a different officer wearing a standard NYPD uniform and was then removed from the scene for processing.

Inside the apartment, based on their sworn testimony, either § 87(2)(b) or § 87(2)(b) took pictures of police officers inside the apartment. PO Muhitul Ambia removed the phone from either § 87(2)(b) or § 87(2)(b) hands, and deleted the pictures (**Allegations C, D, and E: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) then allegedly took the phone back from PO Ambia.

Later that morning, PO Martin, PO Ambia, Sergeant David Lamarre, and ACS Emergency Children's Service worker § 87(2)(b) along with the children and two unidentified Emergency Medical Services employees, gathered and left the apartment. § 87(2)(b) ACS partner, § 87(2)(b) had already left the apartment. § 87(2)(b) and § 87(2)(b) was carried by PO Martin. The group entered the elevator. When the group reached the lobby, every person except PO Martin and § 87(2)(b) allegedly left the elevator. PO Martin then allegedly stated to § 87(2)(b) "Calm the fuck down" or "Shut the fuck up" (**Allegation F: Discourtesy, § 87(2)(g)**). The children were then escorted to a waiting ambulance and transported to § 87(2)(b).

§ 87(2)(b)

No video evidence was recovered in the course of this investigation.

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers entered § 87(2)(b) in Manhattan.
Allegation (B) Abuse of Authority: Officers searched § 87(2)(b) in Manhattan.

§ 87(2)(b) stated that around 2:00am on July 27, 2018, he woke up to knocking on his apartment door. An unidentified person asked for him. He did not respond. This knocking occurred several more time, with additional requests to identify himself. § 87(2)(b) did not respond. At approximately 3:00am, § 87(2)(b) door was knocked down. Three officers, wearing body armor, and one carrying a shield, entered § 87(2)(b) apartment. One of these officers rushed § 87(2)(b) who was standing between ten and fifteen feet away from his door. This officer pushed § 87(2)(b) against the wall, grabbed him around the shoulders, and removed him from the apartment. § 87(2)(b) was then placed in handcuffs by an officer with a standard NYPD uniform. A different officer, also in a standard NYPD uniform, informed § 87(2)(b) that his apartment had been entered pursuant to a family court order (BR01).

An Entry Order pursuant to Family Court Docket No. § 87(2)(b), dated § 87(2)(b), was signed by Judge the Honorable § 87(2)(b).

An Arrest Report pursuant to criminal complaint number § 87(2)(b) was generated on July 27, 2018. § 87(2)(b) was arrested for § 87(2)(b). The details of the report state that § 87(2)(b) refused ACS workers entry into his apartment.

The text of the Entry Order states that agents for the Administration for Children's Services, a person conducting a child protective investigation, accompanied by police, are authorized to enter the above § 87(2)(b) to determine if the subject children are present, and to proceed thereafter with a child protective investigation (BR03).

NYPD Patrol Guide Procedure 215-22 states that officers may assist the execution of an Entry Order endorsed by a family court judge (BR13).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Muhitul Ambia interfered with § 87(2)(b) use of a recording device.

Allegation (D) Abuse of Authority: Police Officer Muhitul Ambia interfered with § 87(2)(b) use of a recording device.

Allegation (E) Abuse of Authority: Police Officer Muhitul Ambia deleted information on § 87(2)(b) recording device.

§ 87(2)(b) testified that at an unspecified time after officers entered the apartment, she began to take pictures of them using her father's phone. PO Ambia then took the phone from her. § 87(2)(b) stated initially in her interview that the phone was locked when PO Ambia took it, then stated it was unlocked. She stated that immediately after PO Ambia took the phone from her, her brother § 87(2)(b) took the phone back. She could not see the screen when PO Ambia held the phone. She estimated that PO Ambia held the phone for seconds, and may have attempted to manipulate something on the screen. After § 87(2)(b) took the phone back, she stated he took pictures as well (BR05).

§ 87(2)(b) testified that after officers entered § 87(2)(b) apartment, he grabbed his father's LG phone, which was unlocked, and took three pictures of police officers. PO Ambia grabbed the phone from § 87(2)(b). § 87(2)(b) could see the screen when PO Ambia was holding the phone, and observed PO Ambia delete the pictures from the phone. PO Ambia handed the phone back to § 87(2)(b). § 87(2)(b) took the phone from § 87(2)(b) took multiple pictures and videos, and made phone calls to unknown family members (BR06).

§ 87(2)(b) testified that when she was inside the apartment, she observed all three children holding the phone at some point. She did not know what any of the children were doing with the phone. She instructed the children to put the phone down and stop recording so they could call

someone who could take temporary custody of them. § 87(2)(b) did not observe any officers take the phone from any children (BR07).

§ 87(2)(b) an ACS worker and § 87(2)(b) partner on the night of the incident, testified that when she was inside the apartment, she observed multiple children holding the phone. When § 87(2)(b) was holding the phone, § 87(2)(b) observed her appearing to take pictures of ACS workers and police officers. § 87(2)(b) informed § 87(2)(b) that she could not take any pictures of ACS workers. § 87(2)(b) did not observe any officer take the phone from any children, and did not hear any officer issue any instructions to any children regarding the use of the phone (BR08).

PO Martin recalled both female children holding a phone at some point while officers were inside the apartment. He did not recall taking a phone from a child, and did not recall any other officer taking a phone from a child (BR09).

Sgt. Lamarre did not recall any children holding a phone, and did not recall taking a phone from a child. PO Ambia did not recall any children holding a phone, and did not recall taking a phone from any children. Neither officer observed any officer take a phone from a child (BR10, BR11).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (F) Discourtesy: Police Officer Whitney Martin spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that she was brought or carried out of the apartment by PO Martin. She was with her siblings, two ACS workers, and PO Martin on the elevator. On the elevator, she was tugging on PO Martin's hand. PO Martin instructed her to calm down. She responded she did not have to calm down. PO Martin told her to shut the fuck up. No one else was on the elevator at the moment PO Martin said this to § 87(2)(b). Her siblings and the ACS workers had left the general vicinity, and no other officers were present for this moment (BR05).

§ 87(2)(b) testified that PO Martin, PO Ambia, the two ACS workers, three other unidentified police officers entered the elevator together. As they went downstairs, PO Martin was speaking with § 87(2)(b) but § 87(2)(b) did not hear what was said between them. § 87(2)(b) was inconsistent about whether everyone on the elevator left as a group or if § 87(2)(b) and PO Martin remained on the elevator after everyone else left (BR06).

§ 87(2)(b) testified that the children vehemently protested being removed from the apartment. PO Martin had to carry one of the children. § 87(2)(b) unidentified EMS personnel, PO Martin, and the children boarded the elevator together. The group entered and exited the elevator together. § 87(2)(b) did not hear PO Martin say "shut the fuck up" to any child. PO Martin was never alone on the elevator with § 87(2)(b) (BR07).

§ 87(2)(b) testified that she did not ride the elevator down to the lobby with the group, and was speaking to a neighbor when the children were taken out of the apartment. She did not observe any officer use any profanity towards any child on scene, and was not informed of the use of profanity by an officer by § 87(2)(b) (BR08).

PO Martin testified that he picked up § 87(2)(b) because she was refusing to leave the apartment. He left the apartment with one of the ACS workers, PO Ambia, unidentified EMS personnel, and all three children. Once on the elevator, PO Martin put § 87(2)(b) down. When the elevator reached the lobby, the group exited the elevator together. At no point was PO Martin was not alone on the elevator with § 87(2)(b). PO Martin did not recall saying “shut the fuck up” to § 87(2)(b) and he did not recall using any profanity towards her, or any children. He did not recall any officer using any profanity towards any children while on scene (BR09).

PO Ambia recalled leaving the apartment with some of the children and PO Martin, he did not recall if any ACS workers were with them. PO Martin was initially carrying one of the children but put them down once on the elevator. PO Ambia did not recall PO Martin using any profanity towards any of the children, and specifically did not recall PO Martin saying “shut the fuck up” to any child. PO Ambia did not recall using any profanity himself. PO Martin was not alone on the elevator with any children (BR10).

Sgt. Lamarre did not recall the process by which he left the building, and did not recall any specific details regarding that process (BR11).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

§ 87(2)(b) [REDACTED]

PO Ambia has been a member of service for ten years, and is the subject of this CCRB complaint, with no other complaints against him.

PO Martin has been a member of service for ten years, and has been the subject of four CCRB complaints, with seven allegations and no substantiations.

Mediation, Civil and Criminal Histories

- A FOIL request was submitted for any Notices of Claim filed by § 87(2)(b) regarding this case on March 19, 2019. § 87(2)(b) filed a Notice of Claim on October 15, 2018, claiming \$50,000,000.00 in damages (BR12). § 87(2)(b) 50H hearing is scheduled for § 87(2)(b).
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Squad No.: 15

Investigator:	_____	<u>Investigator Zachary Herman</u>	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date